

**Enrolled Minutes of the Nineteenth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, September 12, 2016**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 12, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the desirability of revising the current provisions of the Solid Waste Management Code, to more clearly and expressly prohibit discharge of grass clippings into the public way and the storm sewer receptacles.

The study session ended at 7:05 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 12, 2016 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Town Council President, Bernie Zemen, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Mark A. Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner, and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Jared Tauber, Esq., Tauber Law Offices; John Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, and Cecile Petro, Redevelopment Director, were present.

Also present: Randy Bowman, Assistant Inspector for Electrical Code; Susan Murovic, Advisory Board of Zoning Appeals; and Ed Dabrowski IT Director (Contract) were also present.

Thomas Brown of Brown Insurance Agency was also present.

Minutes of the Previous Session:

The Minutes for August 22, 2016 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2016 Budget for the **Unsafe Building Fund, in the amount of \$4,800.**

- (a) Attorney verification of Proofs of Publication: The TIMES 18 August 2016. Mr. Tauber indicated that the proofs complied with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The hearing was closed.
- (c) Action on **Proposed Appropriation Enactment No. 2016-28:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Unsafe Building Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2016-28 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2016-28 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2016-28**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the UNSAFE BUILDING FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Unsafe Building Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unsafe Building Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

UNSAFE BUILDING FUND	
Acct. No. 310.05 Demolition Costs:	\$ 4,800.00
<i>Total Series:</i>	\$ 4,800.00
Fund Total:	\$ 4,800.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of September 2016. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of September 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Executive Proclamation:** A Proclamation in Recognition of September 17-23, 2016 as United States Constitution Week in the Town of Highland. The Town Clerk-Treasurer read aloud the proclamation and the Town Council President executed it with his signature.

TOWN OF HIGHLAND
PROCLAMATION OF THE TOWN EXECUTIVE

A PROCLAMATION IN RECOGNITION OF U.S. CONSTITUTION WEEK
SEPTEMBER 17-23, 2016

Whereas, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

Whereas, September 17, 2016 marks the two hundred twenty-ninth anniversary of the signing of the Constitution of the United States of America by the 1787 Constitutional Convention, led by George Washington, James Madison and Benjamin Franklin, brilliant men who created a new government that became the standard for self-government to the world; and

Whereas, It is the privilege and duty of the American people to commemorate the anniversary of the drafting of this magnificent document, the guardian of our liberties; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States, designating September 17 through 23 as Constitution Week,

Now, Therefore, I, Bernie Zemen by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the week September 17 through 23, as U.S. *Constitution Week* in the Town of Highland;

Be it Further Proclaimed, That the citizens of Highland are hereby urged to reaffirm the ideals the Framers of the Constitution possessed in 1787 by reflecting on the privilege of being an American with all the rights and responsibilities which that privilege involves.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 12th day of September in the year of our Lord, two thousand sixteen, the period of Highland's incorporation, the one hundred-sixth and the Independence of the United States of America, the two hundred fortieth.

TOWN OF HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT

Bernie Zemen

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for August 2016**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$824,610.00	\$9,428.00
Commercial Additions or Remodeling:	10	0	10	\$281,760.00	\$4,804.00
Signs:	5	0	5	\$59,952.00	\$1,899.50
Single Family:	0	0	0	\$0.00	\$0.00

Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	62	62	0	\$667,779.00	\$10,566.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	1	1	0	\$2,859.00	\$95.00
Decks & Porches:	6	6	0	\$11,550.00	\$1,035.00
Fences:	5	5	0	\$14,753.00	\$486.00
Swimming Pools:	2	2	0	\$0.00	\$146.00
DrainTile/ Waterproofing:	4	4	0	\$19,875.00	\$479.00
Miscellaneous	2	2	0	\$6,100.00	\$489.00
TOTAL:	98	82	16	\$1,889,238.00	\$29,428.00
Electrical Permits	22	18	4		\$1,800.00
Mechanical Permits	15	13	2		\$1,254.50
Plumbing Permits	10	9	1		\$1,035.60
Water Meters	4	2	2		\$1,145.00
Water Taps	1	0	1		\$330.00
Sewer/Storm Taps	1	1	0		\$300.00
TOTAL Plumbing:	16	12	4		\$2,810.60

August Code Enforcement:

Investigations: 268
Citations: 14

August Inspections:

Building: 50 Electrical: 23 Plumbing: 09 HVAC: 15
Electrical Exams: 0

• **Fire Department Report for July 2016**

	Month	2nd half of year
General Alarms	15	15
Still Alarms	5	5
Paid still alarms	28	28
Total:	48	

• **Fire Department Report for August 2016**

	Month	2 nd half of year
General Alarms	10	25
Still Alarms	1	6
Paid still alarms	34	62
Total:	45	

• **Workplace Safety Report for August 2016**

There were no incidents to report for August. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2016	Total in 2015	Restricted Days 2016	Lost Workdays This Year (2016)	Restricted Days Last Year (2015)	Lost Workdays Last Year (2015)
Parks	0	1	1	12	0	0	0

Fire	0	0	0	0	0	0	0
Police	0	3	1	2	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	0	2	4	0	0	5	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	0	6	9	14	0	5	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Proposed Ordinance No. 1630:** An Ordinance Authorizing True Up Contributions To The Commuter Rail Extension And Improvement Fund, Pursuant To The Capital Improvement Plan Established By The Municipal Executive, Pursuant To IC 6-3.5-7 Et Seq.

Councilor Herak introduced and moved the consideration of Ordinance No. 1630 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1630 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1630
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE AUTHORIZING TRUE UP CONTRIBUTIONS TO THE COMMUTER RAIL EXTENSION AND IMPROVEMENT FUND, PURSUANT TO THE CAPITAL IMPROVEMENT PLAN ESTABLISHED BY THE MUNICIPAL EXECUTIVE, PURSUANT TO IC 6-3.5-7 ET SEQ.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, The Municipality has receives distributions under the provisions of I.C. 6-3.5-7 et seq., and has established a fund to account for the activity associated with the lawful uses of the County Economic Development Income Tax, under Section 3.45.127 of the Highland Municipal Code;

WHEREAS, In 2014 and in 2015 the Municipal Executive, following consultation with the Town Council, did compile and file a Capital Improvement Plan, as required under the terms of I.C. 6-3.5-7-15 and Section 3.45.127(C)(2)(a) of the Municipal Code, which in part provided for a pledged contribution to support Westlake Extension of the South Shore Commuter Train under the auspices of the Northern Indiana Commuter Transit District for the years 2014 and 2015;

WHEREAS, The Town Council passed and adopted Ordinance 1606 on November 9, 2015 and authorized the transmission and remittance of the amount pledged in the Capital Improvement Plan as part of the 2015 Budget, representing the portion from 2014;

WHEREAS, The amount as pledged in the Capital Improvement Plan has been fully collected and there is an approved appropriation in the Fund as part of the 2016 Budget, representing the amount from 2015, the last of the former pledge;

WHEREAS, In addition, the Highland Town Council on December 15, 2016, passed and adopted Resolution No. 2015-60, a resolution that formally approved the municipality's participation in the Westlake Extension Initiative, committing no less than twelve percent (12%) of its annual certified distribution of economic development income tax; and,

WHEREAS, The Town Council President as municipal executive did execute and file a designation letter, filing it with the Lake County Auditor and Treasurer on March 14, 2016, authorizing the designation and deposit of 12% of the monthly certified distribution of economic development income tax to the Commuter Rail Extension and Improvement Fund; and,

WHEREAS, The proper officers of Lake County did not execute the designation until August 2016, thereby leaving the amounts due under the terms of the Interlocal Cooperation Agreement from January through July of 2016;

WHEREAS, The Town Council and clerk-Treasurer have been reliably advised that the Lake County Council passed and the Lake County Commissioners have adopted, Ordinance No. 1385C, which established the Commuter Rail Extension and Improvement Fund, which is the dedicated fund to account for the resources contributed by the several cities and towns as well as the county for the purposes of advancing the Westlake Extension to the Northern Indiana Commuter Transit District (NICTD); and,

WHEREAS, The Town of Highland, through its Town Council now desires to take the steps necessary to remit the amount as pledged in the Capital Improvement Plan and identified in an approved appropriation in the Economic Development Income Tax Fund as part of the 2016 Budget to advance the identified project and complete its pledge for the year of 2015 and to make its payments due under the terms of the Interlocal Cooperation Agreement in for the months of January through July 2016;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby finds and determines the following:

- (A) That the Town of Highland is a local unit of general government governed by a Town Council which is both the fiscal and legislative body of the Town;
- (B) That IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and *all other powers necessary or desirable* in the conduct of its affairs, even though not granted by statute;
- (C) That I.C. 36-7-2-7 provides that a unit may promote economic development and tourism;
- (D) That I.C. 6-3-5-7 provides that the permissible uses of the CEDIT includes economic development projects and the extension of the commuter rail to the Westlake Corridor by NICTD is fully within the definition, provided in the statute;
- (E) That in 2014 and in 2015 the Municipal Executive, following consultation with the Town Council, did compile and file a Capital Improvement Plan, as required under the terms of I.C. 6-3-5-7-15 and Section 3.45.127(C)(2)(a) of the Municipal Code, which in part provided for a pledged contribution to support the Westlake Extension of the South Shore Commuter Rail under the auspices of the Northern Indiana Commuter Transit District, and the Capital Improvement Plan is made a part of this ordinance as an exhibit; and,
- (F) That the pledged amount that was appropriated to the credit of the Economic Development Income Tax Fund, in the amount **\$114,884**, which represents an approximate 20% share of the of the received CEDIT distribution certified by the Department of a Local Government Finance received from the Lake County Auditor in FY 2014 and appropriated in 2015 was disbursed and remitted to Lake County, Indiana under the authority of Ordinance No. 1606, passed and adopted on November 9, 2015;
- (G) That there is a pledged amount appropriated to the credit of the Economic Development Income Tax Fund for the 2016 Budget, in the amount **\$114,884**, which represents an approximate 20% share of the received CEDIT distribution certified by the Department of a Local Government Finance received from the Lake County Auditor in FY 2015;
- (H) That owing to the adoption and approval of the Westlake Extension Initiative Interlocal Cooperation Agreement, December 15, 2015, and the commitments of the twelve percent of the certified distribution

of economic development income tax, for the months of January through and including July of 2016, are also due for deposit to the Commuter Rail Extension and Improvement Fund, in the amount of forty-three thousand, fifty-six dollars and nine cents (\$43,056.09), representing seven monthly allocations of six thousand, one hundred fifty dollars and eighty-seven cents (6,150.87), each marking twelve percent (12%) of the monthly distribution;

Section 2. That pursuant to the foregoing findings and determinations, the pledged appropriation in the Economic Development Income Tax Fund in the amount of one hundred fourteen thousand, eight hundred eighty-four dollars (\$114,884) be remitted to the Commuter Rail Extension and Improvement Fund, which is the dedicated fund to account for the resources contributed by the several cities and towns as well as the county for the purposes of advancing the Westlake Extension to the Northern Indiana Commuter Transit District (NICTD);

Section 3. That pursuant to the foregoing findings and determinations, an appropriation in the Economic Development Income Tax Fund in the amount of forty-three thousand, fifty-six dollars and nine cents (\$43,056.09), representing the unpaid amount for the first seven months of 2016 under the terms of the interlocal cooperation agreement, be further remitted to the Commuter Rail Extension and Improvement Fund, which is the dedicated fund to account for the resources contributed by the several cities and towns as well as the county for the purposes of advancing the Westlake Extension to the Northern Indiana Commuter Transit District (NICTD);

Section 4. That pursuant to IC 36-5-4-12(b)(13):

- (A) **The remittance authorized by this ordinance is hereby further authorized and defined as payments that may be made in advance of allowance by the Town Council, provided that all other provisions of IC 36-5-4-6 are observed in the processing of the claim;**
- (B) For the purposes of IC 5-11-10-1.6, this ordinance shall be affixed to any claim filed for payment and will serve as the fully itemized invoice;

Section 5. That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such lawful duties and keep such accounts as to fulfill the purposes and provisions of this ordinance;

Section 6. Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and thereby adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 12th day of September 2016. Consideration on First Reading sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 12th Day of September 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

Capital Improvement Plan

IC 6-3.5-7-15

Town of Highland

Revised 07.27.2015



Overview

This capital improvement plan is being prepared pursuant to the requirements of IC 6-3.5-7-15, which requires the filing of such report with the County Auditor by the municipal executive in order to receive the full certified distribution of the county economic development income tax.

Objectives

Please review the attached exhibits which identify three prospective projects which will promote significant opportunities for the gainful employment of Highland and region citizens, as economic development and support the public health, safety and welfare.

Activities

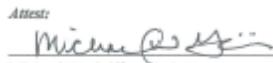
Three major activities are identified to be undertaken over a period not less than two (2) years. These activities are described as follows and are further described in the attached exhibits:

1. Contribute 20% of the certified distribution to a regional cooperative project to extend, construct and operate the so-called West Lake extension of the South Shore transit system, running from its current line, south from Hammond to Munster. This will promote transit oriented development. This would be for two years.
2. Cooperate with Hammond and Highland Sanitary Districts to support particular projects to improve environmental and watershed management consistent with EPA guidance and to reduce flooding, and inflow infiltration and prohibited discharges in waterways.
3. Support Redevelopment efforts related to refurbishing a local movie theater.
4. Finally, certified distribution may be used to support resurfacing and reconstruction of local roads and streets, or traffic control devices, pedestrian control devices, traffic signage including lighted signage. The identified amount may be used to support direct expenses or debt service to paid over period of plan.
5. The executive reserves the right to transfer resources from the CEDIT Fund to any other fund of the municipality pursuant to IC 6-3.5-7-12.7(a).

Adoption by Municipal Executive: (IC 6-3.5-7-15(a)(1))

I, **Mark A. Herak**, as the duly elected Municipal Executive of the Town of Highland, Lake County, Indiana, do hereby adopt and approve this Revised Capital Improvement Plan for the Town, and file it with the Auditor of Lake County.

 Date of Adoption: 7/23/15
Mark A. Herak, Town Council President

Attest:
 Date of Filing: 7/29/2015
Michael W. Griffin, Clerk-Treasurer

(Please print name and title)

Schedule

The Schedule for the projects of this plan are for a period at least two years, beginning January 1, 2014 and concluding not sooner than December 31, 2016, unless the CAPITAL IMPROVEMENT PLAN (CIP) may be amended.

Other Conditions

The attached exhibit is deemed to be of essence of the Capital Improvement Plan and is incorporated as part of the whole.

All projects incorporated in this plan use at least 75% of the certified distribution identified for the Town of Highland, an annual amount of \$571,418 in the first year, and at least \$560,000 for the second and third years.

This CAPITAL IMPROVEMENT PLAN is filed pursuant to IC 6-3.5-7-15 and remains in full effect unless later changed by an amended plan adopted by the municipal executive and filed with the Lake County Auditor.

The Municipal Executive acknowledges that the funds to carry out this plan are subject to appropriation by the legislative/fiscal body.

The Town of Highland, Lake County, Indiana.

7/23/15

Annual Budget - Detail CAPITAL IMPROVEMENT PLAN

Description	Category	Projected Cost	Actual Cost	Difference	Actual Cost Ranking
Resurfacing & reconstruction or debt service Contribution to regional effort 20% as requested by Congressman to support the Westlake Southshore extension	Local Roads and Streets	\$160,213	\$160,213	\$0	
Projects with Sanitary District for Compliance with EPA agreements and cooperative project with City of Hammond	Regional Transportation or Transit projects for improved Environmental And Watershed management	\$114,884	\$114,884	\$0	
Redevelopment: Town Theater Refurbishment	Redevelopment Town Theater	\$50,000	\$50,000	\$0	
Pedestrian Traffic Devices	Traffic Control and Wayfinding	\$20,000	\$20,000	\$0	
Street Signs Lighted	Traffic Control and Wayfinding	\$100,000	\$100,000	\$0	
		\$574,418	\$574,418	\$0	\$100,000

This is the budget for
 each year of the Two
 Year period and for
 the third year if no
 further action is
 taken.

THESE general categories are identified
 pursuant to IC 6-3.5-7-13.1 (b)(2), (3) and (c)

2. **Proposed Ordinance No. 1631:** An Ordinance To Amend Chapter 10.20 Of The Highland Municipal Code Relating To Motor Vehicles And Traffic, Providing For The Enforcement Thereof and Repealing All Ordinances In Conflict Therewith. (If adopted, amendment will create prohibition of parking near curbside mailboxes.)

Councilor Kuiper introduced and moved the consideration of Ordinance No. 1631 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption of Ordinance No. 1631 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1631
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND CHAPTER 10.20 of the HIGHLAND MUNICIPAL CODE RELATING to MOTOR VEHICLES and TRAFFIC, PROVIDING for the ENFORCEMENT THEREOF, AND REPEALING ALL ORDINANCES in CONFLICT THEREWITH

WHEREAS, The Traffic Safety Commission has conducted a study and investigation as to the amendments to Chapter 10.20 of the Highland Municipal Code within the Town of Highland;

WHEREAS, The Traffic Safety Commission at its meeting of August 2, 2016 did recommend certain amendments to the Highland Municipal Code particularly regarding Chapter 10.20 regarding the establishment of a new prohibition regulating Stopping, Standing and Parking in the Town of Highland;

WHEREAS, I.C. 9-21-1 *et sequitur* authorizes the Town of Highland, through its Town Council as a local authority to adopt local regulations regarding traffic; and

WHEREAS, I.C. the Town Council is interested in amending Chapter 10.20 of the Highland Municipal Code in order to protect the public health, safety and welfare with regard to traffic and parking control; and

WHEREAS, It would be and is in the best interest of the Town of Highland, and in the best interest of the public health and safety to amend the following section of the Highland Municipal Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by **adding the following new section** to be numbered 10.20.165 and to read as follows:

10.20.165 Parking near a mailbox prohibited

(A) Except as provided in subdivision (B), no person shall park a vehicle, whether occupied or not, within seven and one half feet of a public or private curbside mailbox between the hours of eight o'clock a.m. and five o'clock p.m., Monday through Saturday. Sundays and Federal holidays are not included;

(B) The provisions of this section will not apply when parking is done for the following reasons:

- (1) **parking when necessary to avoid conflict with other traffic; or**
- (2) **parking in compliance with the directions of a police officer or a traffic control device; or**
- (3) parking in compliance with the law; or
- (4) parking to momentarily discharge a passenger or passengers.

Section 2. That all provisions of ordinances in conflict with the provisions hereof are hereby repealed.

Section 3. That the amendment provided in this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and filed on the 12th day of September 2016. Consideration on the first reading sustained by a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of September 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Enactment No. 2016-27:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.

Councilor Herak introduced and moved the consideration of Enactment No. 2016-27 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2016-27 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

TOWN COUNCIL of the TOWN of HIGHLAND
ENACTMENT NO. 2016-27

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.

WHEREAS, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

WHEREAS, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

WHEREAS, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

WHEREAS, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2016 an amount to include in the corporation general fund budget, in an amount, which could have been equal to the amount in the Cash Reserve Fund at June 30 of the current year, that is the year of the budget's preparation;

WHEREAS, The amount in the Cash Reserve Fund at June 30, 2014 was \$924,236.53; and,

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body desires to transfer all of the adopted amount identified in the adopted budget for FY 2016,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That pursuant to the provisions of IC 8-1.5-3-11(d), the Town Council hereby finds and determines the following:

- (A) **That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2016, which for its municipal general fund did include an amount of up to \$ 675,000 to be transferred from the municipal water utility cash reserve fund;**

- (B) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2015 was one million, four hundred fifty-seven thousand, fifty dollars and seventy-nine cents (\$1,457,050.79);
- (C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (D) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

Section 2. That for the expenses of said municipality, the amount of Six hundred seventy-five thousand dollars (\$675,000) are hereby transferred and set apart from the **Waterworks Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a);

Section 3. That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) To seek the approving action of the Board of Waterworks Directors as set forth above; and,
- (B) Upon approval, to transfer the sum identified and as authorized herein;

Section 4. That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

Section 5. That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 12th day of September 2016. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th day of September 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Approval by the Board of Waterworks Directors

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this ____ day of _____ 2016 having passed by a vote of ____ in favor and ____ opposed.

THE HIGHLAND WATER WORKS
BY IT'S BOARD OF DIRECTORS:

Keith Bruxvoort, President

Attest:

George M. Georgeff, Secretary

4. **Resolution No. 2016-29:** An Exigent Resolution Providing For The Transfer of Appropriation Balances From and Among Major Budget Classifications In The **Economic Development Income Tax Fund** As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2016-29. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was passed and adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2016-29

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the ECONOMIC DEVELOPMENT INCOME TAX FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Economic Development Income Tax Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Economic Development Income Tax Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

ECONOMIC DEVELOPMENT INCOME TAX FUND

Reduce Account:

250-0000-47122	Pedestrian traffic Signs	\$ 43,056.09
	<i>Total 400 Series Reductions</i>	\$ 43,056.09

Increase Account:

250-0000-38009	Contribution to Regional Transit	\$ 43,056.09
	<i>Total 300 Series Increases</i>	\$ 43,056.09

Total of All Fund/Department Decreases:	\$ 43,056.09
Total of All Fund/Department Increases:	\$ 43,056.09

DULY RESOLVED and ADOPTED this 12th Day of September 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Resolution No. 2016-30:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From and Among Major Budget Classifications In The **Corporation Capital Fund** As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Wagner moved the passage and adoption of Resolution No. 2016-30. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was passed and adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2016-30

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the CORPORATION CAPITAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the Corporation Capital Fund;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the Corporation Capital Fund which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION CAPITAL FUND

Reduce Accounts:

092-0000-31001	Bond Legal Services	\$ 1,871.65
092-0000-31006	Bond Sale Fin Advisory	\$ 6,861.29
	<i>Total 300 Series Reductions</i>	\$ 8,732.94

Increase Account:

092-0000-40003	Local Roads Resurfacing	\$ 8,732.94
	<i>Total 400 Series Increases</i>	\$ 8,732.94

Total of All Fund/Department Decreases: \$ 8,732.94

Total of All Fund/Department Increases: \$ 8,732.94

DULY RESOLVED and ADOPTED this 12th Day of September 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

6. **Resolution No. 2016-31:** A Resolution Authorizing And Approving An Agreement Between The Town Of Highland And Operation SOS Concerning The Transfer Of Personal Property, Pursuant To IC 5-22-22-6 And IC 5-22-22-8.

Councilor Vassar moved the passage and adoption of Resolution No. 2016-31. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was passed and adopted.

TOWN OF HIGHLAND
RESOLUTION NO. 2016- 31

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE TOWN OF HIGHLAND AND OPERATION SOS CONCERNING THE TRANSFER OF PERSONAL PROPERTY, PURSUANT TO IC 5-22-22-6 and IC 5-22-22-8.

Whereas, Town of Highland, Lake County, Indiana (: Highland) and Operation SOS have entered into certain negotiations and discussions regarding the transfer of personal property owned by the Highland to Operation SOS; and

Whereas, Highland now finds that it would be in the best interest of the respective users, citizens, and taxpayers of Highland to authorize and approve the transfer of personal property to Operation SOS pursuant to IC 5-22-22-6 and IC5-22-22-8, which is the relevant Indiana statute authorizing the same,

Now, Therefore, Be it resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

- Section 1.** That there are several items of personal property identified in an exhibit incorporated with this resolution, that the Town Council does now find and determine the following:
- (A) That each individual item is less than \$1,000 in value and that the total value of the items collected is less than \$5,000 in value;**
 - (B) That the estimated cost of contracted transportation and sale of the personal property would exceed the value of the personal properties;**
- Section 2.** That IC 5-22-22-6, authorizes that these items of personal property may be disposed of by a public or private sale *or transfer*;
- Section 3.** That the Operation SOS organization, a non-profit, civic philanthropic group dedicated to supporting active duty members of the armed forces of the United States, has expressed an interest in obtaining the several items of personal property identified in the exhibit incorporated with this resolution;
- Section 4.** That the Town Council as the governing body of the municipality, finds the several items of personal property no longer fit for the purpose for which they were obtained and wishes to transfer the personal properties to the Operation SOS organization and further desires to approve the transfer and disposal through the approval of an agreement prepared for this end;
- Section 5.** That this Agreement to Transfer Personal Property between Highland and Operation SOS organization, a copy of which is attached hereto and made a part hereof as Exhibit "A" (the Agreement) is hereby ratified and approved;
- Section 6.** That the President and Clerk-Treasurer of Highland, be and they are hereby authorized and directed to execute said Agreement and to do all things that are necessary and reasonable to carry into effect said Agreement, including but without limiting the generality thereof, to execute the Bill of Sale referred to in said Agreement for and on behalf of Highland and in all other respects to carry into effect said Agreement.

DULY RESOLVED AND ADOPTED, this 12th day of September 2016 by the Town Council of the Town of Highland, Lake County, Indiana having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

EXHIBIT "A"

AGREEMENT TO TRANSFER PERSONAL PROPERTY

This Agreement made and entered into this _____ day of _____ 2016 by and between the Town of Highland, Lake County, Indiana by and through its Town Council (Highland), and Operation SOS

WITNESSETH THAT:

WHEREAS, Highland is the owner of certain personal property specifically identified and set forth in Exhibit "A" attached and hereto and incorporated herein by reference (hereinafter referred to as the "Property"); and

WHEREAS, pursuant to Indiana Code 5-22-22-6 and 5-22-22-8, both Highland and Operation SOS mutually agree that it would be to the beneficial interests of Highland and Operation SOS and their respective users, citizens, and taxpayers of Highland to transfer the personal property from Highland to Operation SOS for no consideration.

NOW, THEREFORE, in consideration of the covenants and conditions herein contained to be observed and performed by each of the parties hereto, and for food and other valuable consideration, the receipt of which is hereby mutually acknowledged,

IT IS AGREED AS FOLLOWS:

1. TRANSFER OF PERSONAL PROPERTY. Subject to the provisions herein contained Highland agrees to convey the Property by Bill of Sale to Operation SOS.
2. CONSIDERATION. Pursuant to the provisions of IC 5-22-22-6 and 5-22-22-8, the transfer of the property from Highland to Operation SOS shall be made for no consideration and shall be evidenced by the adoption of this resolution.
3. AUTHORIZATION. This Agreement shall not be binding upon either party until the resolution is executed and adopted in accordance with law by the Town of Highland.
4. SURVIVAL OF REPRESENTATIONS, COVENANTS, WARRANTIES AND AGREEMENTS. All representations, covenants and warranties made herein shall survive the execution of this Agreement.
5. BINDING EFFECT. This Agreement shall be binding upon the successors and assigns of the parties.
6. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Indiana.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed this _____ day of _____ 2016.

TOWN OF HIGHLAND, LAKE COUNTY, INDIANA
By and through its Town Council

By: _____
Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

OPERATION SOS

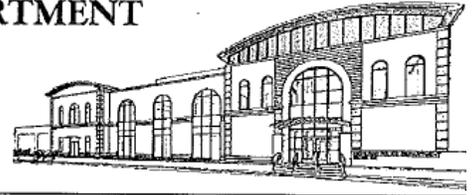
Colleen Aguirre, President



HIGHLAND POLICE DEPARTMENT

3315 RIDGE ROAD
HIGHLAND, IN 46322-2097
(219) 838-3184

PETER T. HOJNICKI, CHIEF OF POLICE



August 26, 2016

To Who it may concern;

Sue Douthett, of Operation SOS, contacted Councilman Vassar inquiring if we has any old items at the Old Police Department, such as shelving, that Operation SOS could have. I subsequently gave Sue Douthett and Colleen Aguirre of the old PD. They picked out the below six (6) items that they felt would help that at their Operation SOS warehouse.

None of the below items were ever purchased by the Town, as they have been donated by various businesses over the years, as they obtained new furniture. In addition, All Departments in the Town of Highland have been through the Old PD, and have removed ALL items they have deemed as having any use. These six (6) items that Operation SOS needs, would cost the Town of Highland more in labor, than we could ever obtain selling or scraping them.

- Item #1: Gray Metal Shelf, which was located in the Boiler room of the Old PD. It is of no use or value to the Town.
- Item#2: Tan Metal Shelf (with rust), which was located in the Boiler room of the Old PD. It is of no use or value to the Town.
- Item:3: Gray plastic shelf (that sags), which was located in the Computer room of the Old PD. It is of no use or value to the Town.
- Item#4: Tan metal Cabinet, which was located in the Computer Room of the Old PD. It is of no use or value to the Town.
- Item#5: Olds Gray/Black desk, which was located in the hall outside of Records at the Old PD. It is of no use or value to the Town.
- Item#6: Two Wood Chairs with Blue Cloth, which was located in the Chief's secretary's office of the Old PD. They are of no value or use to the Town.

Respectfully,


Patrick L. Vassar, Assistant Chief
Highland Police Department

7. **Works Board Order No. 2016-30:** An Order of the Works Board Revising an Earlier Acceptance Certain Quotes for Tree Removal Services for the Year 2016.

Councilor Herak moved the passage and adoption of the Works Board Order. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed The order was adopted.

Town of Highland
ORDER OF THE WORKS NO. 2016-30

An Order of the Works Board Revising an Earlier Acceptance Certain Quotes for Tree Removal Services for the Year 2016

Whereas, The Town Council, as the Board of Works of the municipality, has deemed it necessary to solicit quotes for tree removal services (work) throughout the Town; and

Whereas, The Public Works Director previously prepared quote specifications for the work anticipated for the year 2016 and the work was bid in accordance with §3.05.060(I) of the HMC; and

Whereas, At its meeting of Monday, July 11, 2016, the Town Council passed and adopted Works Board Order No. 2016-25, in which it selected *Brian's Tree Service* from among the bids originally received on June 30, 2016 and tabulated as follows:

Vendors	Tree Sizes						Stump Grinding
	6"-11"	12"-17"	18"-23"	24"-29"	30"-35"	36"-42"	
Dave's Tree Services	\$ 50.00	\$ 180.00	\$ 275.00	\$ 375.00	\$ 650.00	\$ 750.00	\$3 per inch
Timber Masters	\$ 150.00	\$ 170.00	\$ 250.00	\$ 365.00	\$ 450.00	\$ 550.00	Under 30" \$100 • Over 36" \$125
Manning' Tree Service	\$ 300.00	\$ 400.00	\$ 500.00	\$ 600.00	\$ 800.00	\$1,000.00	\$ 150.00
Brian's Tree Service	\$ 125.00	\$ 175.00	\$ 225.00	\$ 275.00	\$ 325.00	\$ 375.00	N/C
Outdoor Tree Service	\$ 150.00	\$ 225.00	\$ 325.00	\$ 400.00	\$ 550.00	\$ 725.00	\$40-\$125 each • If done after hours add 25%

Whereas, *Brian's Tree Service* on August 25, 2016, advised the Public Works Director that owing to its inability to meet the desired profit, he will no longer honor his bid or contract executed under its aegis;

Whereas, The Public Works Director recommends that *Brian's Tree Service* be now found non-responsible and released from its contract for service; and

Whereas, The Public Works Director has reviewed the remaining quotes and recommends that *Dave's Tree Service* be awarded the quote for all tree removal, being the next lowest responsive and responsible quote; and

Whereas, The Town Council, pursuant to §3.05.030(A)(1)(a) of the HMC, serves as purchasing agency for the Public Works Department; and

Whereas, The purchase price exceeds \$15,000.00 and pursuant to §3.05.040 (C) of the HMC requires the express approval of the purchasing agency; and

Whereas, The Public Works Director, pursuant to § 3.05.050(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, The Purchasing Agent, pursuant to §3.05.060(I) of the HMC, expected that the purchase, aggregate, would be at least \$50,000 but not more than \$150,000, and invited quotes in accordance with Section §3.05.060(I) of the HMC; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, Section 3.05.030 (A)(1) identifies the Town Council (works board) as the proper purchasing agency for this service agreement;

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for service as herein described, representing the lowest responsive and responsible quote,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana acting as the Works Board of the Municipality:

Section 1. That Brian's Tree Service' bid of June 30, 2016, accepted on July 11, 2016, be found to be non-responsible, in consequence of its communication of August 25, 2016 that it would no longer perform tree services under the terms of its bid and the agreement;

Section 2. That the quote for tree removal from **Dave's Tree Service**, be accepted as then and the lowest responsive and responsible quote as follows:

Tree Removal – 6" to 11"	\$ 50.00
Tree Removal– 12" to 17"	\$180.00
Tree Removal– 18" to 23"	\$275.00
Tree Removal– 24" to 29"	\$375.00
Tree Removal– 30" to 35"	\$650.00
Tree Removal– 36" to 42"	\$750.00
Stump Grinding	\$3.00 per inch

Section 3. That the Public Works Director is hereby authorized to execute agreements and all documents necessary to implement the work.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of September 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

8. **Works Board Order No. 2016-31:** An Order of the Works Board Accepting the Proposal of Tom Lounges Entertainment LLC for Professional Entertainment and Stage Services for the Town of Highland, Associated with Independence Day Festivities, and to Comply with the Provisions of IC 22-5-1.7 et seq.

Councilor Wagner moved the passage and adoption of Works Board No. 2016-31. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. With Councilors Vassar, Wagner, Kuiper and Zemen voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2016-31**

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF TOM LOUNGES ENTERTAINMENT LLC FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence with appropriate festivals including live musical performance as entertainment;

Whereas, The Clerk-Treasurer, pursuant to Section 3.05.050(D)(9) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality; and

Whereas, The *Tom Lounges Entertainment, LLC* has presented to the Community Events Commission a proposed agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2017 Independence Day Festival;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2017 Independence Day Festival as submitted by Tom Lounges Entertainment, LLC;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$15,000.00, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal/agreement for professional entertainment and stage services of **Tom Lounges Entertainment, LLC**, 104 Fraser Lane, Hobart, Indiana, 46342, prepared and presented by its principal, Tom Lounges, which includes providing appropriate stage production for the events booked, all entertainment booking, contracting and artist payments and related services according to the written terms set forth in the agreement, is hereby accepted, approved and adopted in every respect, provided that **Tom Lounges Entertainment, LLC** complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the fees for performance of the service identified in the proposal of **\$15,500** for the entertainment to be booked for the annual Independence Day festival to be conducted on and around July 4th 2017, and **\$3,500** for production services, for a total of **\$19,000** are found to be reasonable and fair;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, in the proper year, to **Tom Lounges Entertainment, LLC** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the proper officers of the municipality are hereby authorized to identify the proper funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of September 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

9. **Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1578 the Wage and Salary Ordinance, as amended.** Assistant Public Works Director wishes to hire of Kyle Rastovsky to the position of part-time Laborer in Public Works Department (Agency)

at a rate of pay of \$9.00 per hour. The pay for this position is in a range starting at \$7.25 and ending at \$11.64.

Councilor Kuiper moved to approve that the part-time hire be authorized to start at the rate of \$9.00 per hour. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher pay rate was authorized.

10. **Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.** Assistant Public Works Director recommends the hiring of Trevor O'Donnell, to the full-time position of Driver C in Public Works Department (Agency) at a rate of pay of \$14.67 per hour. This will not increase the full-time workforce greater than the authorized work force strength.

Councilor Herak moved to authorize and approve the appointment and employment of Trevor O'Donnell to the position indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The employment was approved.

11. **Action on proposal for renewal of Underground Tank Insurance as presented by Brown Insurance Group.** Crum and Forster Insurance is underwriter. Action would be for the period 9/17/2016 through 9/17/2017. The Town is being offered \$2,000,000 of broad form coverage with specific coverage of \$1,000,000 for defense costs, including a \$10,000 deductible. This coverage is offered for a premium of \$4,925 plus tax and fees \$507.50. This represents a total cost of \$5,432.50. The base premium represents an increase of 2%.

Councilor Kuiper moved to approve the proposal and accept the insurance for the Underground tank as presented by Brown Insurance Group. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The insurance was approved.

Thomas Brown, of the Brown Insurance Agency made himself available for answering questions from the Town Council before the vote on the proposal.

Comments or Remarks from the Town Council: (For the Good of the Order)

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak acknowledged the Public Works Director who reported that Highland was awarded the entire amount sought from the newly authorized State Local Road and Bridge Fund, special grant program.

- **Councilor Dan Vassar:** *• Liaison to the Park and Recreation Board.*

Councilor Vassar read aloud a remembrance for the late Buell Robinson, late of Highland, who had been a notable volunteer leader in Highland Little League.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner also congratulated the workforce on the injury and incident free experience for the Month of August.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Police Chief, who thanked the Town Council for its action on the amendment to the Traffic Code creating a new parking prohibition regarding mailboxes.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President acknowledged the Redevelopment Director who noted the scheduled dedication of the Rookery to take place on September 28, 2016 at 6:00 p.m. The Redevelopment further reported that an artist was selected to compose the mural to be rendered on the exposed wall of the property located at Jewett Street. This project is funded by the Legacy Foundation.

Comments from Visitors or Residents:

1. Thomas Brown, Brown Insurance Agency, 9105 Indianapolis Boulevard, Highland, Indiana, reported on a forthcoming safety meeting to occur on October 14 that would be sponsored by the Indiana Public Employees Program (IPEP).

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 24th, 2016 through September 12, 2016 and payroll docket for the payday of August 19, 2016. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$206,004.142; Motor Vehicle Highway and Street (MVH) Fund, \$21,159.30; Local Road and Streets Fund, \$17,651.14; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,193.07; Flexible Spending Account Agency Fund, \$1,179.63; Gasoline Agency Fund, \$14,051.35; Information and Communications Technology Fund, \$5,962.23; Special Events Non Reverting Fund, \$810.55; Municipal Cumulative Capital Development Fund, \$1,520.00; Traffic Violations and Law Enforcement Agency Fund, \$3,113.50; Municipal Cumulative Street Fund, \$15,879.85; Gaming Revenue Sharing Fund, \$6,260.00; County Economic Development Income Tax Fund, \$54,147.93; Total: \$348,932.69.

Payroll Docket for payday of August 19, 2016:

Council, Boards and Commissions, \$8,374.00; Office of Clerk-Treasurer, \$16,075.97; Building and Inspection Department, \$8,526.49; Metropolitan Police Department, \$110,251.51; Fire Department, \$2,967.08; Public Works Department (Agency), \$68,738.07 and 1925 Police Pension Plan Pension Fund, \$63,388.68; Total Payroll: \$278,321.80.

Announcement of Study Session. The Town Council President announced a study session to immediately follow the plenary business meeting to discuss possible property acquisition near the site of Stan's Bait Shop.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The

regular plenary meeting of the Town Council of Monday, September 12, 2016 was adjourned at 7:49 O'clock p.m. There was no study session following this meeting.

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular plenary meeting on Monday, September 12, 2016 at 7:55 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. Councilor Bernie Zemen was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Persons Attending: Bill Petrites and Tom Wilborn, partners and owners of Stan's Bait Shop, 8200 Indianapolis Boulevard, Highland; and Cecile Petro, Redevelopment Director were also present.

General Substance of Matters Discussed.

1. The Town Council, the Redevelopment Director, Mr. Petrites and Mr. Wilborn discussed the possibility of the Town obtaining the property located at 8200, 8117, 8148 Indianapolis Boulevard. It was noted that a portion of the property included property formerly owned by the Railroad line, which is currently the subject of a tax sale. It was noted that there were four parcels in the front nearest to Indianapolis Boulevard and three in the back. The Redevelopment Director discussed the current requirements related to flood control to which the properties are subject. She also reported that the assessed valuation of the property in 2015 was \$200,000 for the three front parcels.

It was noted that the property presently is the subject of a real estate option agreement with White/Peterman Properties, Inc. (WHITECO), contingent upon the buyer obtaining certain permits, licenses, variances and approvals to make the buyer's intended improvements.

Some members of the Town Council indicated they did not wish to obtain the properties that are under tax sale. It was further indicated that Town Council was exploring acquisition of the properties to permit the aesthetic improvement, across from the monument sign at the Town's northern entrance on Indianapolis Boulevard.

Mr. Petrites indicated his desire that any offer from the town have a similar purchase price to that made by White/Peterman Properties, Inc. (WHITECO). It was noted that the provisions of IC 36-1-10.5-5 govern any land purchase by the Town Council in this instance.

It was determined that the Town Attorney should review the White/Peterman Properties, Inc., contingency purchase agreement to better understand the circumstances and whether the property could be acquired at this time. Mr. Petrites indicated that he would provide a copy of the agreement to the Town Attorney.

Adjournment of Study Session. There being no further business to be discussed, the Study Session following the regular plenary meeting of the Town Council of Monday, July 25, 2016 was adjourned at 8:30 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer